

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FLORIDA CABLE
TELECOMMUNICATIONS ASSOCIATION,
INC., COX COMMUNICATIONS GULF
COAST, L.L.C., *et. al.*

Complainants,

v.

GULF POWER COMPANY,

Respondent.

DOCKET FILE COPY ORIGINAL
Federal Communications Commission
Office of Secretary

E.B. Docket No. 04-381

**STIPULATED REQUEST FOR EXTENSION OF TIME TO FILE
MOTIONS TO COMPEL**

The Florida Cable Telecommunications Association, Inc., Cox Communications Gulf Coast, L.L.C., Comcast Cablevision of Panama City, Inc., Mediacom Southeast, L.L.C., and Bright House Networks, L.L.C. ("Complainants"), by their attorneys and pursuant to 47 C.F.R. § 1.205, hereby respectfully submit this stipulated request seeking an extension of time to file motions to compel answers to their interrogatories and/or requests for document production served on April 18, 2005 on Gulf Power Company ("Gulf Power"), pursuant to Chief Administrative Law Judge Sippel's Order, dated April 1, 2005 ("Order").¹

Good cause exists for granting this request. On April 19, 2005, Complainants received from Gulf Power 1,610 pages of documents in response to Complainants' requests for document production. In several places in Gulf Power's responses to Complainants'

¹ *In re Florida Cable Telecommunications Ass'n, Inc., et al. v. Gulf Power Co.*, Order, EB Docket No. 04-381, FCC 05M-18 (rel. Apr. 1, 2005) (hereinafter "Order").

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interrogatories and requests for document production, however, Gulf Power did not provide responsive documents. Instead, Gulf Power indicated that it would make responsive documents available for inspection and copying in Gulf Power's offices located throughout its service territory, upon reasonable notice. Counsel for Complainants must therefore arrange travel to northwestern Florida to inspect and review, designate for copying and await receipt of these documents before it can determine whether motions to compel may be necessary. Complainants' counsel has already contacted Gulf Power's counsel to schedule the visit to review these documents. It is apparent, however, that this visit and receipt of responsive documents from Gulf Power will not occur before April 25, 2005, the time period within which to file motions to compel.² Accordingly, Complainants hereby request an extension of time to file motions to compel until 14 days from the date of receipt of copies of the Gulf Power documents that Complainants will soon review and designate for production.

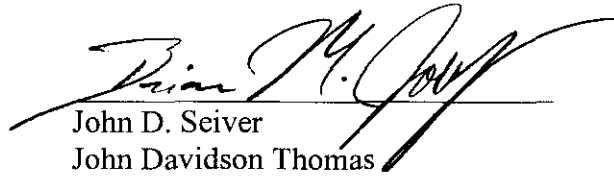
While the Commission does not routinely grant extensions of time, the circumstances here warrant a grant of the instant Stipulated Request. Absent an extension of time, Complainants will not have the information upon which to determine whether they must file motions to compel to obtain relevant, responsive information. Moreover, any motion could be met with a response that the responsive information is available in yet to be reviewed documents. An extension will also ensure that the parties and the Commission can proceed with an appropriate record in this proceeding. Finally, neither the public nor any other party will be prejudiced by this very brief delay, and counsel for Gulf Power and the Enforcement Bureau have consented to the requested extension.

² See 47 C.F.R. § 1.323(c) ("Any party to the proceeding may, within 7 days, move for an order with respect to any objection or other failure to answer an interrogatory.") and 47 C.F.R. § 1.325(a)(2) ("Motions to compel must be filed within five business days of the objection or claim of privilege.").

Accordingly, Complainants respectfully request that the Commission grant this Stipulated Request for Extension of Time to File Motions to Compel and allow Complainants until 14 days from the date they receive copies of the Gulf Power documents that Complainants will review and designate for production.

Respectfully submitted,

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L.L.C., and BRIGHT HOUSE NETWORKS, L.L.C.**

April 21, 2005

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Stipulated Request for Extension of Time to File Motions to Compel* has been served upon the following by electronic mail and U.S. Mail on this the 21st day of April, 2005:

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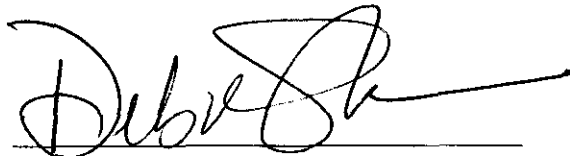
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